

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

MARCUS A. LEITHEISER,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of Social
Security,

Defendant.

Case No. 6:10-cv-06243-SI

OPINION AND ORDER

SIMON, District Judge.

On March 16, 2012, this court reversed the Commissioner's determination that Plaintiff was not disabled and was not entitled to disability benefits, and it remanded the matter back to the agency for the calculation of benefits. (Doc. 31.) Before the court is Plaintiff's application for attorney fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. (Doc. 33.) Plaintiff seeks an award of attorney fees in the amount of \$7,186.92. Defendant does not challenge the applicability of the EAJA statute and does not object to what it terms a "reasonable request" for attorney fees. (Doc. 36.) The court has reviewed Plaintiff's motion and agrees with the parties that the EAJA petition is proper and the amount requested is reasonable.

Therefore, Plaintiff's application for attorney fees (Doc. 33) is GRANTED. Plaintiff is awarded \$7,186.92 for attorney fees under 28 U.S.C. § 2412(d). EAJA fees, expenses, and costs are subject to any offsets allowed under the Treasury Offset Program, as discussed in *Astrue v. Ratliff*, --- U.S. ----, 130 S. Ct. 2521 (2010). Because Plaintiff does not appear to have filed with the court an assignment of EAJA fees to his counsel, Defendant shall cause the payment of fees to be made to Plaintiff and delivered to Plaintiff's counsel. Should Plaintiff provide a signed assignment requesting that the attorney fees awarded be paid directly to his counsel, Defendant shall honor the assignment by causing the payment of fees to be made directly to Plaintiff's counsel.

Dated this 31st day of July, 2012.



Michael H. Simon
United States District Judge